

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

05 11108 DPW

Acushnet Company, a Delaware  
Corporation,

Plaintiff,

v.

City Sports, Inc., a Massachusetts  
corporation, John Does 1-100 and XYZ  
Corporations 1-100,

Defendants.

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CAUSE NO. 05 11108 DPW

Declaration of Cliff Petrovsky

FILED UNDER SEAL PURSUANT  
TO 15 U.S.C. § 1116

Cliff Petrovsky hereby makes the following declaration under penalty of perjury pursuant to 28 U.S.C. §1746, as follows:

1. I am President of Investigative Network, Inc., a private investigative firm that has provided services to Acushnet Company ("Acushnet"). I am over the age of twenty-one (21) years, suffer no legal or mental disabilities, and am fully competent to make this declaration. I make this declaration upon my personal knowledge and upon review of files of Plaintiff under my control.

2. I submit this Declaration in support of Plaintiff's *ex parte* Application for Temporary Restraining Order, Expedited Discovery Order, and Order to Show Cause for a Preliminary Injunction and the Application to Seal File Pending Hearing on *Ex Parte*

Temporary Restraining Order against City Sports, Inc., and John Does 1-100 and XYZ Corporations 1-100 (collectively "Defendant").

3. I am a licensed private investigator (License Numbers .PI 10516 and 9610009) and have worked with Acushnet for 15 years and been in business for 25 years. We were retained by Acushnet in connection with this matter. During my tenure as a private investigator, I have participated in and/or conducted numerous trademark investigations involving counterfeit and infringing goods, as well as diverted (or "gray market") goods. I was provided by Acushnet's experts a detection sheet which allowed me to identify counterfeit PRO V1 golf balls from genuine Pro V1 golf balls.

4. **G. I. Joe's Inc. Counterfeiting.** On or about April 28, 2005, at the request of Acushnet, I instructed my investigators to contact G. I. Joe's Inc. and locate stores that carried in stock "Titleist Pro V1." Several locations had sold Titleist Pro V1 golf balls but were out of stock at the time. Two locations, Lynnwood, Washington, and Puyallup, Washington indicated they had Titleist Pro V1 golf balls in stock. By the time my investigator got to the Lynnwood location, there were no more Titleist Pro V1 golf balls on the shelves. My investigator made a purchase of eight (8) dozen counterfeit Titleist Pro V1 golf balls at G. I. Joe's, Inc., 120 31<sup>st</sup> Ave. SE, Puyallup, WA 98375. Attached hereto as **Exhibit "1"** is a Declaration of Gordon B. Hayashi, my investigator, with an attached receipt for his purchase on April 28, 2005.

5. The next day, April 29, 2005, three (3) of the eight (8) dozen counterfeit Titleist Pro V1 golf balls were sent by my investigator, Mr. Hayashi to Roland Giroux, Senior Attorney for Acushnet, via Federal Express. Attached hereto as **Exhibit "2"** is a

photograph of one (1) dozen of the counterfeit golf balls purchased from G.I. Joe's, Inc. by my investigator and sent to Roland Giroux.

6. **The Andersons, Inc. Counterfeiting.** On or about May 12, 2005, at the request of Acushnet, I instructed my investigator to visit all six (6) The Andersons, Inc. stores in Ohio to determine if they carried in stock "Titleist Pro V1." The company's stores are located in Maumee, Toledo, Northwood, Lima and two locations in Columbus, Ohio. My investigators located counterfeit Titleist Pro V1 golf balls at the following four locations: 5800 Alshire Road, Columbus, Ohio; 7000 Bent Tree Blvd., Columbus, Ohio; 530 Illinois, Maumee, Ohio; and 4701 Talmadge Road, Toledo, Ohio. Attached hereto as **Exhibit "3"** is a Declaration Phil Thomas, my investigator, with an attached receipt for his purchase of three (3) dozen counterfeit Titleist Pro V1 golf balls on May 12, 2005, from 5800 Alshire Road, Columbus, Ohio 43232. Attached hereto as **Exhibit "4"** is a Declaration Phil Thomas, my investigator, with an attached receipt for his purchase of two (2) sleeve boxes of counterfeit Titleist Pro V1 golf balls on May 13, 2005, from 7000 Bent Tree Blvd., Columbus, Ohio 43235. Attached hereto as **Exhibit "5"** is a Declaration Matthew E. McIntyre, my investigator, with an attached receipt for his purchase of three (3) dozen counterfeit Titleist Pro V1 golf balls purchased on May 13, 2005, from 530 Illinois Avenue, Maumee, Ohio 43537. Attached hereto as **Exhibit "6"** is a Declaration Matthew E. McIntyre, my investigator, with an attached receipt for his purchase of two (2) dozen boxes of counterfeit Titleist Pro V1 golf balls purchased on May 13 2005, from 4701 Talmadge Road, Toledo, Ohio 43623.

7. On or about May 13, 2005, my investigator, Phil Thomas, federal expressed one (1) dozen counterfeit Titleist Pro V1 golf balls purchased from 5800 Alshire Road, Columbus, Ohio, 43232 (Brice Location), The Andersons, Inc. to Roland Giroux of Acushnet. Attached hereto as **Exhibit "7"** is a photograph of one (1) dozen of the counterfeit golf balls purchased from The Andersons, Inc. and sent by Phil Thomas to Roland Giroux on May 13, 2005.

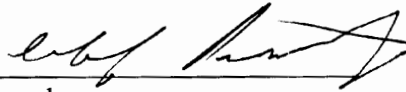
8. **Cam Golf Counterfeiting.** On or about May 7, 2005, at the request of Acushnet, I instructed my investigators to visit twenty (20) Scheels All Sports, Inc., (whose supplier of golf balls is Cam Golf) in Rim Rock Mall, 300 South 24<sup>th</sup> Street West, Billings, Montana 59102 and in Appleton, WI and St. Cloud, MN. My investigative team located counterfeit Titleist Pro V1 golf balls at Scheels All Sports, Inc. located in Rim Rock Mall, 300 South 24<sup>th</sup> Street West, Billings, Montana 59102; 168 W. Dodge, Omaha, Nebraska 68118; 4301 W. Wisconsin Avenue, Appleton, WI 54913; and 4201 West Division Street, Crossroads Center, Ste. 109, St. Cloud, Minnesota 56387. Attached hereto as **Exhibit "8"** is a Declaration of Calvin Jones, my investigator, with an attached receipt for his purchase of two (2) dozen counterfeit Titleist Pro V1 golf balls on April 8, 2005, from 168 W. Dodge, Omaha, Nebraska 68118. Attached hereto as **Exhibit "9"** is a Declaration William Ralph, my investigator, with an attached receipt for his purchases of four (4) dozen counterfeit Titleist Pro V1 golf balls on April 11 and 12, 2005, from 4301 W. Wisconsin Avenue, Appleton, WI 54913. Attached hereto as **Exhibit "10"** is a Declaration from Bill Nelson, my investigator, with an attached receipt for his purchase of two (2) dozen counterfeit Titleist Pro V1 golf balls on April 12, 2005, from 4201 West

Division Street, Crossroads Center, Ste. 109, St. Cloud, Minnesota 56387. Attached hereto as **Exhibit "11"** is a Declaration from Darwyn Peterson, my investigator, with an attached receipt for his purchase of two (2) dozen counterfeit Titleist Pro V1 golf balls on April 8, 2005, from Rim Rock Mall, 300 South 24<sup>th</sup> Street West, Billings, Montana 59102.

9. On or about April 11, 2005, I sent to Roland Giroux at Acushnet, by Federal Express, one (1) dozen counterfeit Titleist Pro V1 golf balls that my investigators purchased from Scheels All Sports, Inc., 300 S. 24<sup>th</sup> St. West, Billings, Montana 59102 along with numerous other counterfeit Titleist Pro V1's purchased from Scheels All Sports, Inc. stores. Attached hereto as **Exhibit "12"** is a photograph of one (1) dozen of the counterfeit golf balls sent by me to Roland Giroux on April 11, 2005.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 24, 2005.

FURTHER DECLARANT SAYETH NOT.

  
Cliff Petrovsky



## DECLARATION

I, GORDON B. HAYASHI, declare and state as follows:

1. I visited the GI Joe's store located at 120 31ST AVE. SE,  
PUYALLUP, WA 98374 on APRIL  
28, 2005 and purchased EIGHT dozen Titleist Pro V-1 golf balls.

2. The outer and inner packaging of the purchased Titleist Pro V-1 golf balls  
have been evidenced with the date purchased and my initials.

3. I have maintained custody and control of the golf balls, and have  
personally forwarded the products to Investigative Network, Inc. located in Prescott,  
Arizona via Federal Express on APRIL 29, 2005.

I declare under penalty of perjury under the laws of the United States of America that  
this foregoing declaration is true and correct.

Executed this 29TH day of APRIL, 2005 in TACOMA, WA.

Gordon B. Hayashi  
Signature

GORDON B. HAYASHI  
Print Name





04-28-05  
9/24G.I. JOE'S  
PUYALLUP  
253-445-8090

5835 10 7826 15 011

GOLF BALLS	17 1T	40.00
SKU 6030-084		
DISCOUNT	20.0T	8.00-
GOLF BALLS	17 1T	40.00
SKU 6030-084		
DISCOUNT	20.0T	8.00-
GOLF BALLS	17 1T	40.00
SKU 6030-084		
GOLF BALLS	17 1T	40.00
SKU 6030-084		
SUBTOTAL		144.00

SALES TAX 8.8%	12.67
TOTAL	156.67

CHECK	156.67
ACCT#XXXXXXXXXXXXX1687	
REFERENCE#	15972380
CHANGE	.00

RECEIPT REQUIRED FOR REFUND

G.I. JOE'S HAS A 90-DAY MERCHANDISE  
RETURN POLICY. ITEMS YOU PURCHASE  
TODAY CAN BE RETURNED UNTIL 07/28/05.

APRIL 28, 2005 2:45 PM

PUYALLUP  
253-445-8090

5881 10 3895 15 001

GOLF BALLS	17 1T	40.00
SKU 6030-084		
DISCOUNT	20.0T	8.00-
GOLF BALLS	17 1T	40.00
SKU 6030-084		
DISCOUNT	20.0T	8.00-
GOLF BALLS	17 1T	40.00
SKU 6030-084		
GOLF BALLS	17 1T	40.00
SKU 6030-084		
SUBTOTAL		144.00

SALES TAX 8.8%	12.67
TOTAL	156.67

CHECK	156.67
ACCT#XXXXXXXXXXXXX1687	
REFERENCE#	15972377
CHANGE	.00

RECEIPT REQUIRED FOR REFUND

G.I. JOE'S HAS A 90-DAY MERCHANDISE  
RETURN POLICY. ITEMS YOU PURCHASE  
TODAY CAN BE RETURNED UNTIL 07/28/05.

APRIL 28, 2005 2:40 PM

04-28-05 9/24

G T 10510



04-28-05  
JCH  
62 JOE'S  
BRYAN, WA

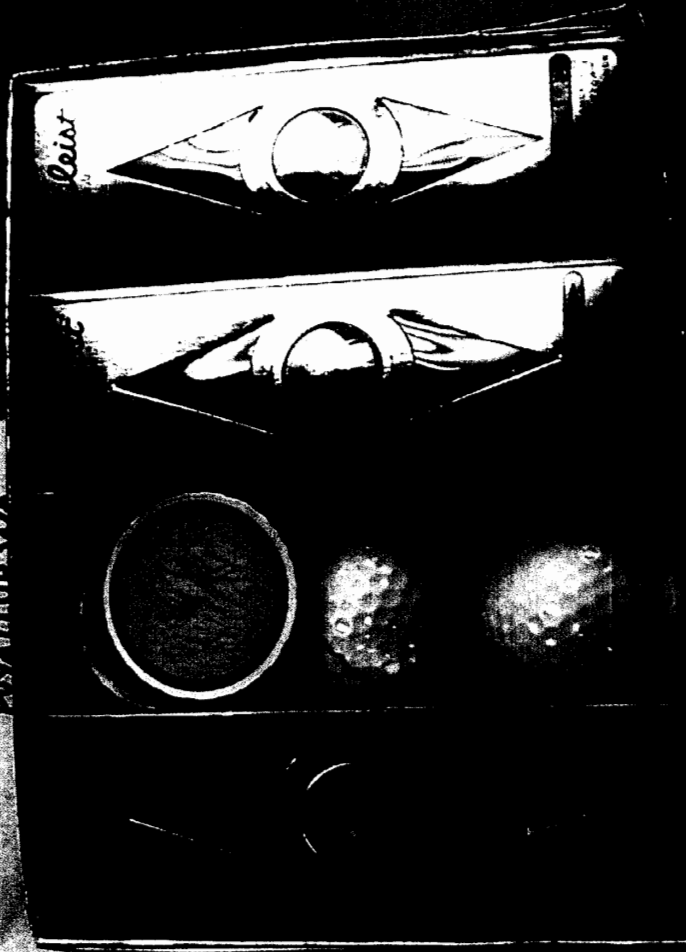


EXHIBIT  
2



## DECLARATION

I, Phil Thompson, declare and state as follows:

1. I visited The Anderson store located at Columbus-Brice Rd.  
5800 Alshire Rd, Columbus, OH 43232 on Thursday  
May 12, 2005 and purchased 3 dozen Titleist Pro V1 golf balls.

2. The outer and inner packaging of the purchased Titleist Pro V1 golf balls have been evidenced with the date purchased, my initials, the name of the store, and the store location.

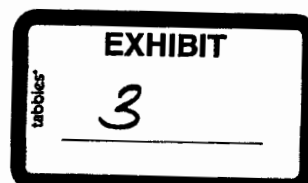
3. I have maintained custody and control of the golf balls, and have personally forwarded the products to Investigative Network, Inc. located in Prescott, Arizona via Federal Express on May 13, 2005.

I declare under penalty of perjury under the laws of the United States of America that this foregoing declaration is true and correct.

Executed this 13 day of May, 2005 in Columbus, OH.

Phil Thompson  
Signature

Phil Thompson  
Print Name



5/12/05  
PT

THE ANDERSONS #39  
Receipt Required for Returns  
Columbus, OH 43232  
(614) 864-8800

REG 4 05/12/05 Trx# 378591 Time 20:38  
Cashier 30442 Name Carly

3 GOLF BALLS @ 45.99 137.97 T  
0-84984-12477

	Subtotal	137.97
	Tax	9.32
3 Items	Total	147.29
*** Credit Cards ***		147.29-
VISA		

TRANSACTION: SALE (S)  
CARD: VISA #: \*\*\*\*\*0030  
SEQ. #: A101  
AUTH. #: 012529 AUTO  
LOCATION ID: 0000002,999

TOTAL CHARGE AMOUNT: 147.29  
TOTAL SALE AMOUNT: 147.29



## DECLARATION

I, Phil Thompson, declare and state as follows:

1. I visited The Anderson store located at Columbus-Sawmill  
700 Bent Tree Blvd., Columbus, OH 43235 on Friday,  
May 13, 2005 and purchased 2 <sup>sleeves</sup> ~~dozen~~ Titleist Pro V1 golf balls.

2. The outer and inner packaging of the purchased Titleist Pro V1 golf balls have been evidenced with the date purchased, my initials, the name of the store, and the store location.

3. I have maintained custody and control of the golf balls, and have personally forwarded the products to Investigative Network, Inc. located in Prescott, Arizona via Federal Express on May 13, 2005.

I declare under penalty of perjury under the laws of the United States of America that this foregoing declaration is true and correct.

Executed this 13 day of May, 2005 in Columbus, OH.

Phil Thompson  
Signature

Phil Thompson  
Print Name

EXHIBIT

4

tabbies



5/13/05  
PT

THE ANDERSONS #38  
Receipt Required for Returns  
Columbus, OH 43235  
(614) 766-9500

REG 3 05/13/05 Trx# 419326 Time 10:55  
Cashier 132935 Name JEANNIE

1 GOLF BALLS	45.99 T
523715	
GOLF BALLS	22.99-T
3 Markdown	
523715	

	Subtotal	23.00
	Tax	1.56
1 Items	Total	24.56
*** Credit Cards ***		24.56-
VISA		

TRANSACTION: SALE (S)  
CARD: VISA #: \*\*\*\*\*0030  
SEQ. #: A101  
AUTH. #: 013817 AUTO  
LOCATION ID: 0000002,999

TOTAL CHARGE AMOUNT: 24.56  
TOTAL SALE AMOUNT: 24.56

# SALES INVOICE

STORE # 3 **1332114**

☐ 7000 Bent Tree Blvd.  
(#38) Worthington, OH 43235-8903  
(614) 766-9500

☐ DELIVERY

NAME		<input type="checkbox"/> CASH
ADDRESS		<input type="checkbox"/> CHECK
CITY/ST.		<input type="checkbox"/> CREDIT CARD
ZIP CODE		<input type="checkbox"/> OTHER
PHONE (      )		

[illegible]

MAUMEE, OHIO 43537

**25% RETURN CHARGE  
ON ALL SPECIAL ORDERS**

**CUSTOMER'S COPY**

FORM 80-033-0370



## DECLARATION



## DECLARATION

MCT 201412, declare and state as follows:

MCT 201412

E. MCT 201412

## DECLARATION

I, MATTHEW E. McIntyre, declare and state as follows:

1. I visited The Anderson store located at 530 Illinois Ave.  
Munee, IL 43537 on May  
13, 2005 and purchased Three (3) dozen Titleist Pro V1 golf balls.

2. The outer and inner packaging of the purchased Titleist Pro V1 golf balls have been evidenced with the date purchased, my initials, the name of the store, and the store location.

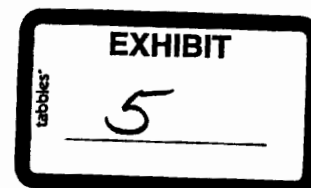
3. I have maintained custody and control of the golf balls, and have personally forwarded the products to Investigative Network, Inc. located in Prescott, Arizona via Federal Express on May 13, 2005.

I declare under penalty of perjury under the laws of the United States of America that this foregoing declaration is true and correct.

Executed this 13 day of May, 2005 in Munee, IL

[Signature]  
Signature

matth McIntyre  
Print Name



THE ANDERSONS #42  
Receipt Required For Return  
Maumee, OH 43537  
(419) 891-2700

REG 3 05/13/05 Trx# 707026 Time 11:15  
Cashier 31882 Name URSULA

3 GOLF BALLS @ 45.99 137.97 T  
0-84984-12477

Subtotal 137.97

Tax 10.00

3 Items Total 147.97

\*\*\* Credit Cards \*\*\* 147.97-

AMEX

5/13/2005  
MM

TRANSACTION: SALE (S)  
CARD: AMEX #: \*\*\*\*\*1008  
SEQ. #: A101  
AUTH. #: 527084 AUTO  
LOCATION ID: 00000002,999

TOTAL CHARGE AMOUNT: 147.97  
TOTAL SALE AMOUNT: 147.97





## DECLARATION

I, Matthew F McIntyre, declare and state as follows:

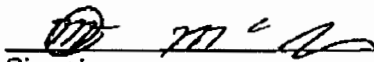
1. I visited The Anderson store located at 4701 Tolmarch Rd  
Tolledo, OH. 43623 on May  
13, 2005 and purchased two (2) dozen Titleist Pro V1 golf balls.

2. The outer and inner packaging of the purchased Titleist Pro V1 golf balls have been evidenced with the date purchased, my initials, the name of the store, and the store location.

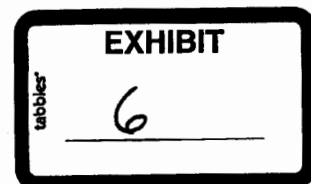
3. I have maintained custody and control of the golf balls, and have personally forwarded the products to Investigative Network, Inc. located in Prescott, Arizona via Federal Express on May 13, 2005.

I declare under penalty of perjury under the laws of the United States of America that this foregoing declaration is true and correct.

Executed this 13 day of May, 2005 in Tolledo, Ohio.

  
Signature

Matthew McIntyre  
Print Name



THE ANDERSONS #41  
Receipt Required For Returns  
Toledo, OH 43623  
(419) 473-3232

REG 2 05/13/05 Trx# 761847 Time 11:58  
Cashier 31423 Name Laura

2 GOLF BALLS @ 45.99 91.98 T  
0-84984-12477

	Subtotal	91.98
	Tax	6.68
2 Items	Total	98.66
*** Credit Cards ***		98.66-
AMEX		

5/13/2005  
mm

TRANSACTION: SALE (S)  
CARD: AMEX #: \*\*\*\*\*1008  
SEQ. #: A101  
AUTH. #: 566322 AUTO  
LOCATION ID: 00000002,999

TOTAL CHARGE AMOUNT: 98.66  
TOTAL SALE AMOUNT: 98.66



EXHIBIT

7

robles





## DECLARATION

I, Calvin Jones, declare and state as follows:

1. I visited the Scheel Sporting Goods store located at 168<sup>th</sup> W Dodge

April on 8, 2005 and purchased 2-dozen Titleist Pro V-1 golf balls.

2. The outer and inner packaging of the purchased Titleist Pro V-1 golf balls have been evidenced with the date purchased and my initials.

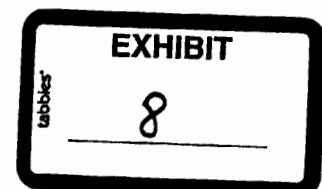
3. I have maintained custody and control of the golf balls, and have personally forwarded the products to Investigative Network, Inc. located in Prescott, Arizona via Federal Express on Monday April, 2005.

I declare under penalty of perjury under the laws of the United States of America that this foregoing declaration is true and correct.

Executed this 9<sup>th</sup> day of April, 2005 in Omaha.

Calvin Jones  
Signature

Calvin Jones  
Print Name



MADE SUPERIOR, INC.

Omaha, NE 68118

402-289-5666 04-08-05 S00058 R006

BALL GOLF PRO V1-1 DOZ	44.99
DEPT: 0934	
08498409978	
BALL GOLF PRO V1-1 DOZ	-44.99V
DEPT: 0934	
08498409978	-1 @ 44.99
BALL GOLF PRO V1-1 DOZ	39.99
DEPT: 0934	
08498409978	
BALL GOLF PRO V1-1 DOZ	39.99
DEPT: 0934	
08498409978	

SUB TOTAL	79.98
SALES TAX	5.60
TOTAL	85.58
AMOUNT TENDERED	
CASH	100.58
TOTAL PAYMENT	100.58
CHANGE	15.00

Thank you.

Around town or on the trail - Scheels  
has the right bike for your ride.

Scheels... Right there with you.

#201712 04-08-05 07:51P BByman

*cf 8 April 05*





**DECLARATION**

I, William Ralph, declare and state as follows:

1. I visited the Scheel Sporting Goods store located at 4301 W. Wisconsin Ave, Appleton, WI 54913 on 4-11-05 And 4-12-05, 2005 and purchased <sup>4 @ \$2</sup> 2-dozen Titleist Pro V-1 golf balls.

2. The outer and inner packaging of the purchased Titleist Pro V-1 golf balls have been evidenced with the date purchased and my initials.

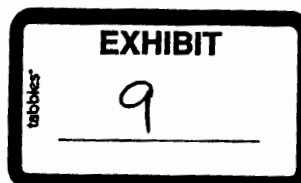
3. I have maintained custody and control of the golf balls, and have personally forwarded the products to Investigative Network, Inc. located in Prescott, Arizona via Federal Express on \_\_\_\_\_, 2005.

I declare under penalty of perjury under the laws of the United States of America that this foregoing declaration is true and correct.

Executed this 12 day of April, 2005 in Outagamie County Appleton, WI.

William Ralph  
Signature

William Ralph  
Print Name



Scheels All Sports  
4301 W. Wisconsin Ave  
Appleton, WI 54913  
920-830-2977 04-12-05 S00054 R001

Scheels All Sports  
4301 W. Wisconsin Ave  
Appleton, WI 54913  
920-830-2977 04-12-05 S00054 R001

Scheels All Sports  
4301 W. Wisconsin Ave  
Appleton, WI 54913  
920-830-2977 04-12-05 S00054 R001

Scheels All Sports  
4301 W. Wisconsin Ave  
Appleton, WI 54913  
920-830-2977 04-12-05 S00054 R001

BALL GOLF TITLIST PRO V1 79.98  
DEPT: 0934  
08498412477 2 @ 39.99

SUB TOTAL 79.98  
SALES TAX 4.00  
TOTAL 83.98  
AMOUNT TENDERED  
CHECK 83.98

TOTAL PAYMENT 83.98

Thank you.

Around town or on the trail - Scheels  
has the right bike for your ride.

Scheels...Right there with you.

#53765 04-12-05 10:33A ASHogr

CUSTOMER SATISFACTION IS PRIORITY 1 !!

Scheels All Sports  
4301 W. Wisconsin Ave  
Appleton, WI 54913  
920-830-2977 04-11-05 S00054 R009

# CUSTOMER RECEIPT COPY

-SOCK 2 IN 1-9/11/PUR 3.74  
DEPT: 0002  
03284946509  
BALL GOLF TITLIST PRO V1 39.99  
DEPT: 0934  
08498412477  
BALL GOLF TITLIST PRO V1 39.99  
DEPT: 0934  
08498412477

SUB TOTAL 83.72  
SALES TAX 4.19  
TOTAL 87.91  
AMOUNT TENDERED  
VISA 87.91  
CARD #: XXXXXXXXXXXXXXX3566  
EXP DATE 0807  
AMOUNT 87.91  
AUTH CODE 610196

TOTAL PAYMENT 87.91

Thank you.

Around town or on the trail - Scheels  
has the right bike for your ride.

Scheels...Right there with you.

#119054 04-11-05 08:58P MLeon

CUSTOMER SATISFACTION IS PRIORITY 1 !!



4-11-2005 09:01

P.05

**DECLARATION**

I, Bill Nelson, declare and state as follows:

1. I visited the Scheel Sporting Goods store located at 4201 West Division St., Crossroads Center, Ste 109 in St. Cloud, MN on Tuesday, April 12<sup>th</sup>, 2005 and purchased 2-dozen Titleist Pro V-1 golf balls.

2. The outer and inner packaging of the purchased Titleist Pro V-1 golf balls have been evidenced with the date purchased and my initials.

3. I have maintained custody and control of the golf balls, and have personally forwarded the products to Investigative Network, Inc. located in Prescott, Arizona via Federal Express on April 12<sup>th</sup>, 2005.

I declare under penalty of perjury under the laws of the United States of America that this foregoing declaration is true and correct.

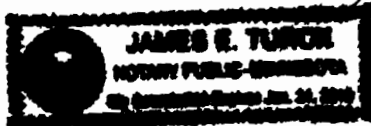
Executed this 12<sup>th</sup> day of April, 2005 in City of St. Cloud  
County of Stevens  
State of Minnesota

Bill Nelson  
Signature

Bill Nelson  
Print Name



Subscribed and sworn to before me this  
12th DAY of April, 2005



James E. Turck  
Signature of Notary Public

St. Cloud Scheels  
40 North Waite Avenue  
Waite Park, MN 56387  
320-252-9494 04-12-05 S00056 R002

CUSTOMER RECEIPT COPY

BALL GOLF TITLIST PRO VI 44.99  
DEPT: 0934  
08498412477  
BALL GOLF TITLIST PRO VI 44.99  
DEPT: 0934  
08498412477

SUB TOTAL 89.98  
SALES TAX 5.85  
TOTAL 95.83  
AMOUNT TENDERED  
VISA 95.83  
CARD #: XXXXXXXXXXXXXXX1843  
EXP DATE 0206  
AMOUNT 95.83  
AUTH CODE 112173

TOTAL PAYMENT 95.83

Thank you.  
Around town or on the trail - Scheels  
has the right bike for your ride  
Scheels...Right there with you.

#33137 04-12-05 11:41A HOLLI

4-12-05  
BN.



PR-28-2005 12:29

P.05

**DECLARATION**

I, Darwyn Peterson, declare and state as follows:

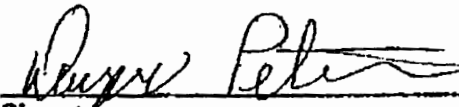
1. I visited the Scheel Sporting Goods store located at Rim Rock Mall 300 South 24<sup>th</sup> Street West, Billings, MT 59102 on Frid, April 8, 2005 and purchased 2-dozen Titleist Pro V-1 golf balls.

2. The outer and inner packaging of the purchased Titleist Pro V-1 golf balls have been evidenced with the date purchased and my initials.

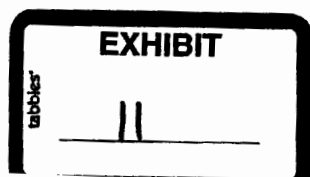
3. I have maintained custody and control of the golf balls, and have personally forwarded the products to Investigative Network, Inc. located in Prescott, Arizona via Federal Express on 4-8- 2005.

I declare under penalty of perjury under the laws of the United States of America that this foregoing declaration is true and correct.

Executed this 8 day of April, 2005 in Billings, MT 59102.

  
Signature

Darwyn Peterson  
Print Name



TOTAL P.05

Pete  
4-8-05

Rimrock Scheels  
300 S. 24th Street West  
Billings, MT 59102  
406-656-9220 04-08-05 500018 R001

CUSTOMER RECEIPT COPY

BALL GOLF TITLIST PRD V1	44.99
DEPT: 0934	
08498412477	
BALL GOLF TITLIST FRB V1	44.99
DEPT: 0934	
08498412477	

SUB TOTAL	89.98
TOTAL	89.98
AMOUNT TENDERED	
MASTERCARD	89.98
CARD #:	XXXXXXXXXXXXXXXX5558
EXP DATE	0605
AMOUNT	89.98
AUTH CODE	059585

TOTAL PAYMENT	89.98
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Thank you.

Around town or on the trail - Scheels  
has the right bike for your ride.

Scheels ... Right there with you.

4347732 04-08-05 02:14:09 Etta



EXHIBIT

12

tabbles

